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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,000	12/14/2000	Robert Olodort	003256.P008	1399

7590

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EXAMINER

SCOTT, JAMES R

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 01/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,000

Applicant(s)

OLODORT ET AL

Examiner

James R Scott

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If the period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-00 and 6-01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The drawings filed on 12-14-2000 and 06-29-2001 are objected to by the Examiner because the thirty sheets of drawings in either set of drawings are informal.

In general, the lines are pale and do not appear to be consistent as to thickness. Lead lines and identification data is not clear. In the instance where the alpha notation is used, the letters are not uniform and appear blurry. Figures lack partial identification or no identification of components. Note for instance the four lower planar components in figure 1A and all of the components in Fig. 1B. Figures 1A-1D should be labeled as prior art. These two figures are only illustrative and are not all-inclusive of the defective features in all of the figures. All figures (Figs. 1A-20B) must be corrected

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: In the brief description of the drawings it is not understood from the description of fig. 7 how the fig. illustrates "one embodiment of stages of a keyswitch assembly". The descriptions of the figures should be checked for clarity in description.

On page 30, line 17, the status of the patent application 09/190947 should be updated.

Any other errors applicant should become aware of should be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is impossible to ascertain from the scanty limitations of the various keyswitch claims what constitutes the invention sought to be claimed by applicant. In actuality applicant does not appear to be claiming a keyswitch per se but possible sub combinational features of a keyswitch operating mechanism. A keyswitch comprises a switch including an operating mechanism and a switch contact assembly. In claims 1-13, the keyswitch plurality of legs and spring lack structural support to enable the parts to move relative to one another.

In claims 14-18 the claims do not clearly state how the plurality of legs can be interleaved together without a pivot point. The significant limitation of the plurality of legs having no flanges is not clearly understood. Claims 17 and 18 do not clearly state how the spring is structurally supported with respect to the legs to enable engagement of the spring with the legs.

Claims 19-22 fail to state the significance of the second end and its upper protrusions. Noting claim 24, what is the significance in having the upper protrusions overlap the corresponding lower protrusions?

Dependent claim 23 is objected to for the same reasons as claim 19.

Claims 25-27 and 33 are indefinite because it is not understood why applicant believes that a specific thickness of the first leg, constant thickness of the first and second legs and height separation of the first and second ends of the first and second legs constitute inventive subject matter. Height and thickness per se cannot constitute grounds for asserting that a keyswitch is inventive.

Claims 28-32 are indefinite because it is not clearly understood how the legs supporting the cap each constitutes a leaf spring that has a cantilevered structure. What constitutes the cantilevered structure and how is the structure supported to enable up and down movement of the cap?

Claim 34 does not clearly define the type of support or why it is critical for the keyswitch to have a height of less than 2.5 millimeters from the top of the support. Is the top of the cap depressed?

Claims 35-38 constitute another example of an indefinite recitation of coacting components in a keyswitch assembly. It would appear that a Jepson type claim would be proper. Is applicant attempting to claim a keyswitch assembly, spring and its support or the improvement of a spring located in its support.

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claims 1-38, insofar as understood are rejected under 35 U.S.C. 102(b) as being anticipated by Lempicki et al (715). Note the structure in figs. 3A-5B.

Cited References

The Machine design article, and the five US patents whose name is designated by the title of the invention and not the name of the inventor, and the additional IDS of 285 patent documents submitted by applicant constitute prior art disclosing the improvements made to laptop computers and the like with emphasis on keyswitch features.

Tsai, Sellers, Yoneyama, Hu constitute prior art deemed relevant by the Examiner in addition to the applied reference Lempicki et al which disclose features of keyswitch assemblies.

Remarks

Applicant should submit a corrected IDS including the names of the five inventive entities (not names of titles of invention) in response to this action as a supplement.

Summary

Claims 1-38 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R Scott whose telephone number is 703-308-2013. The examiner can normally be reached on any workday between 1-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 703-308-7619. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

JRScott: jrs

1/12/03

A handwritten signature in cursive script, appearing to read "JR Scott".

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